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STATE OF MICHIGAN**

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To Whom It May Concern:

On September 11, 2009, the Tuscola County Bar Association adopted a resolution in opposition to the proposed amendments to Michigan Court Rules 6.302 and 6.310. The Tuscola County Bar Association is strongly opposed to the proposed amendments as written.

In regards to the proposed amendment to MCR 6.302, requiring all discussions regarding a defendant's plea agreement to occur in open court and on the record would seriously hamper the discussions necessary between defense attorneys and their clients. Furthermore, it would effectively eliminate informal discussions between prosecutors and defense attorneys in relation to potential plea bargains. It would also potentially hinder adherence to case flow guidelines issued by the Michigan Supreme Court.

Regarding the proposed amendment to MCR 6.310, such a change would encumber plea negotiations because defendants would be hesitant to enter plea agreements where there is no remedy if the Judge refuses to sentence as agreed upon in the prior negotiations.

It is the position of the Tuscola County Bar Association that both amendments would adversely impact the practice of criminal law in the State of Michigan.